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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,035	02/27/2004	Qi Xu	713-57-PA	8342
7590	10/07/2004		EXAMINER	
Howard J. Klein Klein, O'Neill & Singh, LLP Suite 510 2 Park Plaza Irvine, CA 92614			LEE, JONG SUK	
			ART UNIT	PAPER NUMBER
			3673	
DATE MAILED: 10/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/789,035	XU, QI
	Examiner Jong-Suk (James) Lee	Art Unit 3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities:  
Claim 1, line 1: “ (“EDP”） ” should be -- , EDP --.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5-7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by

Redshaw (US 3,408,821).

Redshaw discloses an offshore structure (1) comprising: a buoyant deck (3) having a central opening (see Fig. 1), a pontoon (2) having an adjustable buoyancy, a single buoyant column (4) mounted upright on the pontoon (2) and vertically movable through the central opening of the deck (see Fig. 2), wherein each of the pontoon and the column have a respective center well/duct (11) therein, and wherein the center well of the column is disposed concentrically over the center well of the pontoon, wherein the column comprises one or more compartments, at least one of which has a buoyancy that is adjustable and means for forcing sea water/inherently pressurized air or flooded water, ballasting into and out of the adjustably buoyant compartments, the cross-sectional shape of the center well of the pontoon and the column is circular (see Figs. 1-3; col.2, lines 16-72; col.3, lines 1-75; col.4, lines 1-73).

5. Claims 1-3 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wetmore (US 4,451,174).

Wetmore discloses a monopod drilling system (10) comprising: a buoyant deck (14) having a central opening (30) (see Fig. 1), a pontoon (12) having an adjustable buoyancy, a single buoyant column (13) mounted upright on the pontoon (12) and vertically movable through the central opening of the deck (see Figs. 7-11), wherein each of the pontoon and the column have a respective center well/opening therein, and wherein the center well of the column is disposed concentrically over the center well of the pontoon, means (60-63) for supporting the deck on an upper end of the column which is radially placed around the upper end of the column (see Figs. 6-7), the deck supporting means including a recess/opening (61) with a pin (57), the

cross-sectional shape of the center well of the pontoon and the column is circular, wherein the horizontal periphery of the deck and the pontoon is polygonal (see Fig. 1) and further comprising an upright derrick slidably movable on an upper surface of the deck between a first position over the central opening of the deck and a second position horizontally displaced from the first position (see Figs. 9-10) (see Figs. 1-14; col.5, lines 35-68; col.6, lines 1-68; col.7, lines 1-15; col.8, lines 57-68; col.9, lines 1-27; col.10, lines 8-65).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wetmore in view of Plaisance (US 4,697,956). The teachings of Wetmore have discussed above.

However, Plaisance fails to disclose or fairly suggest a radial arm and upstanding receptacle for the locking pin apertures as the deck supporting means. Plaisance discloses an attachment device for the offshore structure including a radial arm (48) with an upstanding receptacle (40), a locking pin (54) extending through the locking pin apertures (46, 50) for the arm and receptacle as depicted in Fig. 2 (see col.3, lines 14-56).

Therefore, in view of Plaisance, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to replace the deck supporting means of Wetmore

with the are, receptacle with pin assembly in order to reduce the manufacturing cost by providing the conventional and easy-to- install attachment assembly.

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redshaw in view of Abbot et al (US 6,718,901). The teachings of Redshaw have discussed above.

However, Redshaw fails to disclose or fairly suggest a lower end of the column having an open truss and the tubular compartment for the column. Abbot et al discloses an offshore deployment of extendable draft platform (EDP) having a column (20) with an open truss (26) at the bottom of the column being connected to a ballastable pontoon (14) (see Figs. 1-15; col.4, lines 9-67; col.5, lines 1-51).

Therefore, in view of Plaisance, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to replace the bottom portion of the column of Redshaw with the open truss in order to reduce the cost of manufacturing and further to enhance the structural integrity without having resistance to the current while it is submerged.

With respect to the tubular compartment for the column, an artisan within ordinary skill in the art would have replaced the compartment sections with the tubular shaped compartment in order to efficiently assemble the compartments of the column with merely welding the tubes within the compartment. Further, because Applicant have failed to establish any criticality or synergistic result directly attributable to the recited limitations, such modification would have constituted an alternative means/obvious matter of design choice well within the ordinary skill in the art.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other cited references disclose a method for fabricating and assembling a floating offshore structure and a floatable vessel.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jong-Suk (James) Lee whose telephone number is (703) 308-6777. The examiner can normally be reached on 6:30 am to 3:00 pm, Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Lee /jjl  
September 30, 2004



**Jong-Suk (James) Lee  
Primary Examiner  
Art Unit 3673**